

## REMARKS

Claims remaining in the present Application are 1-20. The Applicants respectfully request reconsideration of the above captioned patent application in view of the remarks presented herein.

### 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Boudnik et al. (US 2003/0051186, "Boudnik"). Applicants respectfully assert that embodiments of the present invention as recited in Claims 1-20 are not anticipated by Boudnik for the following rationale.

Applicants respectfully assert that Boudnik actually teaches away from embodiments of the present invention as recited in Claims 1-5, 7, 14-18 and 20. Applicants respectfully assert that an object of Boudnik, supported by numerous teachings, is "to reinitialize (an) application program to begin execution from a position described by the (checkpoint)" (Abstract, [0076], *inter alia*).

Embodiments of the present invention as recited in Claims 1-5, 7, 14-18 and 20 do not recite such a limitation, and in fact Claims 7 and 20 specifically recite starting a different operating system, which precludes

resuming execution from the taught checkpoint. Consequently, Applicants respectfully assert that Boudnik's teachings of restarting at a specific point teach away from embodiments of the present invention as recited in Claims 1-5, 7, 14-18 and 20.

For this reason, Applicants respectfully assert that Claims 1-5, 7, 14-18 and 20 overcome the rejections of record, and respectfully solicit allowance of these Claims.

In addition with respect to Independent Claim 1, Applicants respectfully assert that Boudnik does not teach or fairly suggest the limitation of "reinitializing an operating system on said test system" as recited by Claim 1. In contrast, Applicants respectfully assert that Boudnik is limited to teaching "restoring of an application program" (Abstract, *inter alia*, emphasis added). Applicants respectfully assert that the rejection improperly equates the taught "application program" with the recited "operating system." Applicants respectfully assert that one of ordinary skill in the art would understand a fundamental difference between the taught "application program" and the recited "operating system." Further, Applicants respectfully assert that Boudnik is silent as the recited limitation.

For this additional reason, Applicants respectfully assert that Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 2-7 depend from Independent Claim 1. Applicants respectfully assert that these Claims overcome the rejections of record as these Claims depend from an allowable base claim.

In addition, with respect to Claim 7, Applicants respectfully assert that Boudnik does not teach or fairly suggest the limitation of “wherein said test system is running a different operating system subsequent to said reinitializing than said test system was running prior to said reinitializing” as recited by Claim 1. The rejection’s citations merely teach that Boudnik may tests on application programs running under a variety of operating systems. Applicants respectfully assert that Boudnik’s teaching of using different operating systems does not teach or fairly suggest changing operating systems, as recited by Claim 7.

For this additional reason, Applicants respectfully assert that Claim 7 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

With respect to Independent Claim 8, Applicants respectfully assert that Boudnik does not teach or fairly suggest the limitation of “installing test driver software on a plurality of test systems” as recited by Claim 8. The cited portion of Boudnik teaches a “post mortem object 508.” Applicants respectfully assert that one of ordinary skill in the art would understand post mortem object 508 to be a data structure and not the recited “test driver software.” Applicants further respectfully assert that the entirety of Boudnik does not teach the recited “test driver software.”

For this reason, Applicants respectfully assert that Claim 8 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

In addition, with respect to Independent Claim 8, Applicants respectfully assert that Boudnik does not teach or fairly suggest the limitation of “providing a mapping of a plurality of virtual test system names to real test system names to said test driver software” as recited by Claim 8. The cited portion of Boudnik teaches a “test recovery system 500.” Applicants respectfully assert that one of ordinary skill in the art would understand test recovery system 500 to be a computer system and not the recited “mapping” of virtual names to real names. Applicants further respectfully assert that the entirety of Boudnik does not teach the recited “mapping” of virtual names to real names.

For this additional reason, Applicants respectfully assert that Claim 8 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 9-13 depend from Independent Claim 8. Applicants respectfully assert that these Claims overcome the rejections of record as these Claims depend from an allowable base claim.

In addition, with respect to Claim 14, Applicants respectfully assert that Claim 14 overcomes the rejections of record for at least the rationale previously presented with respect to Claim 1. Applicants respectfully solicit allowance of this Claim.

Claims 15-20 depend from Independent Claim 14. Applicants respectfully assert that these Claims overcome the rejections of record as these Claims depend from an allowable base claim.

CONCLUSION

Claims remaining in the present Application are 1-20. The Applicants respectfully request reconsideration of the above captioned patent application in view of the remarks presented herein.


Applicants have reviewed the following reference that was cited but not relied upon, and does not find this reference to teach or fairly suggest embodiments in accordance with the present invention: US 5,513,315.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 08-2025.

Respectfully submitted,  
WAGNER, MURABITO & HAO LLP

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